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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

23 Cr. 490 (SHS)

5 ROBERT MENENDEZ,
6 WAEL HANA, a/k/a "Will Hana,"
and FRED DAIBES,

7 Defendants.

Trial

8
9 New York, N.Y.
10 July 16, 2024
9:30 a.m.

11
12 Before:

13 HON. SIDNEY H. STEIN,

14 District Judge
15 -and a Jury-

16 APPEARANCES

17 DAMIAN WILLIAMS

18 United States Attorney for the
Southern District of New York

19 BY: DANIEL C. RICHENTHAL

ELI J. MARK

CATHERINE E. GHOSH

20 Assistant United States Attorneys

O7F3MENF

APPEARANCES CONTINUED

PAUL HASTINGS LLP
Attorneys for Defendant Menendez
BY: ADAM FEE
AVI WEITZMAN
RITA FISHMAN

GIBBONS, P.C.
Attorneys for Defendant Hana
BY: LAWRENCE S. LUSTBERG
ANNE M. COLLART
RICARDO SOLANO, Jr.

CESAR DE CASTRO
SETH H. AGATA
SHANNON M. McMANUS
Attorneys for Defendant Daibes

Also Present:
Bachar Alhalabi, Interpreter (Arabic)
Rodina Mikhail, Interpreter (Arabic)

O7F3MENF

Verdict

1 (Trial resumed; jury not present)

2 THE COURT: Bring the jury in.

3 (Jury present. Time noted 9:50 a.m.)

4 THE COURT: Good morning, ladies and gentlemen.

5 Welcome. I now see you're here. You may continue with your
6 deliberations. We're here.

7 (Jury continues deliberations. Time noted 9:51 a.m.)

8 (Recess pending verdict)

9 (At 12:33 p.m. a verdict was reached)

10 THE COURT: We have a note from the jury. It's Court
11 Exhibit No. 8 at 12:33 p.m. "We have a verdict."

12 Bring the jury in. I want no exclamations or
13 outbursts of any sort. The quiet should reflect the solemnity
14 of the occasion.

15 (Jury present. Time noted 12:51 p.m.)

16 THE COURT: You may be seated in the courtroom.

17 THE DEPUTY CLERK: Ladies and gentlemen of the jury,
18 please answer to your presence when your number is called.

19 (Roll called; each juror answered in the affirmative)

20 THE DEPUTY CLERK: All jurors are present.

21 THE COURT: Foreperson, has the jury reached a
22 verdict?

23 THE FOREPERSON: We have, your Honor.

24 THE COURT: Please hand the verdict to my deputy. I
25 will inspect it for regularity.

O7F3MENF

Verdict

1 I'm returning the verdict sheet to my deputy to return
2 it to the foreperson.

3 Madam Foreperson, if you would please rise.

4 THE DEPUTY CLERK: In the matter of United States of
5 America v. Robert Menendez, Wael Hana, and Fred Daibes, 23 Cr.
6 490.

7 As to Count One, conspiracy to commit bribery.

8 How do you find the defendant Robert Menendez, guilty
9 or not guilty?

10 THE FOREPERSON: Guilty.

11 THE DEPUTY CLERK: How do you find defendant Wael
12 Hana, guilty or not guilty?

13 THE FOREPERSON: Guilty.

14 THE DEPUTY CLERK: How do you find the defendant Fred
15 Daibes, guilty or not guilty?

16 THE FOREPERSON: Guilty.

17 THE DEPUTY CLERK: If you have found defendant Fred
18 Daibes guilty of Count One, indicate whether he was released on
19 an appearance bond at the time of the offense.

20 THE FOREPERSON: Released on bond.

21 THE DEPUTY CLERK: As to Count Two, conspiracy to
22 commit honest services wire fraud.

23 As to Robert Menendez, guilty or not guilty?

24 THE FOREPERSON: Guilty.

25 THE DEPUTY CLERK: As to Wael Hana, guilty or not

O7F3MENF

Verdict

1 guilty?

2 THE FOREPERSON: Guilty.

3 THE DEPUTY CLERK: As to Fred Daibes, guilty or not
4 guilty?

5 THE FOREPERSON: Guilty.

6 THE DEPUTY CLERK: Please indicate whether Fred Daibes
7 was released on an appearance bond at the time of the offense.

8 THE FOREPERSON: Released on bond.

9 THE DEPUTY CLERK: As to Count Three, conspiracy to
10 commit extortion under color of official right.

11 How do you find defendant Robert Menendez, guilty or
12 not guilty?

13 THE FOREPERSON: Guilty.

14 THE DEPUTY CLERK: As to Count Four, conspiracy to
15 commit obstruction of justice.

16 How do you find defendant Robert Menendez, guilty or
17 not guilty?

18 THE FOREPERSON: Guilty.

19 THE DEPUTY CLERK: How do you find defendant Fred
20 Daibes, guilty or not guilty?

21 THE FOREPERSON: Guilty.

22 THE DEPUTY CLERK: As to Count Five, bribery --
23 actions to benefit Wael Hana and Egypt.

24 How do you find defendant Robert Menendez, guilty or
25 not guilty?

O7F3MENF

Verdict

1 THE FOREPERSON: Guilty.

2 THE DEPUTY CLERK: As to Count Six, bribery -- actions
3 to benefit Wael Hana and Egypt.

4 As to Wael Hana, guilty or not guilty?

5 THE FOREPERSON: Guilty.

6 THE DEPUTY CLERK: As to Fred Daibes, guilty or not
7 guilty?

8 THE FOREPERSON: Guilty.

9 THE DEPUTY CLERK: Have you found that Fred Daibes was
10 released on an appearance bond or not released on a bond?

11 THE FOREPERSON: Released on bond.

12 THE DEPUTY CLERK: As to Count Seven, honest services
13 wire fraud -- actions to benefit Wael Hana and Egypt.

14 As to defendant Robert Menendez, guilty or not guilty?

15 THE FOREPERSON: Guilty.

16 THE DEPUTY CLERK: As to defendant Wael Hana, guilty
17 or not guilty?

18 THE FOREPERSON: Guilty.

19 THE DEPUTY CLERK: As to defendant Fred Daibes, guilty
20 or not guilty?

21 THE FOREPERSON: Guilty.

22 THE DEPUTY CLERK: Indicate whether Fred Daibes was
23 released on an appearance bond.

24 THE FOREPERSON: Released on bond.

25 THE DEPUTY CLERK: As to Count Eight, extortion under

O7F3MENF

Verdict

1 color of official right -- actions to benefit Wael Hana and
2 Egypt.

3 As to Robert Menendez, how do you find the defendant,
4 guilty or not guilty?

5 THE FOREPERSON: Guilty.

6 THE DEPUTY CLERK: As to Count Nine, honest services
7 wire fraud -- actions to benefit Jose Uribe and Uribe's
8 associates.

9 How do you find defendant Robert Menendez, guilty or
10 not guilty?

11 THE FOREPERSON: Guilty.

12 THE DEPUTY CLERK: How do you find defendant Wael
13 Hana, guilty or not guilty?

14 THE FOREPERSON: Guilty.

15 THE DEPUTY CLERK: As to Count Ten, extortion under
16 color of official right -- actions to benefit Jose Uribe and
17 Uribe's associates.

18 How do you find defendant Robert Menendez, guilty or
19 not guilty?

20 THE FOREPERSON: Guilty.

21 THE DEPUTY CLERK: As to Count Eleven, bribery --
22 actions to benefit Fred Daibes and Qatar.

23 How do you find defendant Robert Menendez, guilty or
24 not guilty?

25 THE FOREPERSON: Guilty.

O7F3MENF

Verdict

1 THE DEPUTY CLERK: As to Count Twelve, bribery --
2 actions to benefit Fred Daibes and Qatar.

3 How do you find the defendant Fred Daibes, guilty or
4 not guilty?

5 THE FOREPERSON: Guilty.

6 THE DEPUTY CLERK: Indicate whether Daibes was
7 released on an appearance bond at the time of the offense or
8 not released on bond.

9 THE FOREPERSON: Released on bond.

10 THE DEPUTY CLERK: As to Count Thirteen, honest
11 services wire fraud -- actions to benefit Fred Daibes and
12 Qatar.

13 How do you find defendant Robert Menendez, guilty or
14 not guilty?

15 THE FOREPERSON: Guilty.

16 THE DEPUTY CLERK: How do you find defendant Fred
17 Daibes, guilty or not guilty?

18 THE FOREPERSON: Guilty.

19 THE DEPUTY CLERK: Indicate whether Fred Daibes was
20 released on an appearance bond at the time of the offense or
21 not released on bond.

22 THE FOREPERSON: Released on bond.

23 THE DEPUTY CLERK: Count Fourteen, actions to benefit
24 Fred Daibes and Qatar.

25 How do you find defendant Robert Menendez, guilty or

O7F3MENF

Verdict

1 not guilty?

2 THE FOREPERSON: Guilty.

3 THE DEPUTY CLERK: As to Count Fifteen, conspiracy for
4 a public official to act as a foreign agent.

5 How do you find the defendant Robert Menendez, guilty
6 or not guilty?

7 THE FOREPERSON: Guilty.

8 THE DEPUTY CLERK: How do you find defendant Wael
9 Hana, guilty or not guilty?

10 THE FOREPERSON: Guilty.

11 THE DEPUTY CLERK: As to Count Sixteen, public
12 official acting as a foreign agent.

13 How do you find defendant Robert Menendez, guilty or
14 not guilty?

15 THE FOREPERSON: Guilty.

16 THE DEPUTY CLERK: As to Count Seventeen, conspiracy
17 to commit obstruction of justice.

18 How do you find defendant Robert Menendez, guilty or
19 not guilty?

20 THE FOREPERSON: Guilty.

21 THE DEPUTY CLERK: As to Count Eighteen, obstruction
22 of justice.

23 How do you find defendant Robert Menendez, guilty or
24 not guilty?

25 THE FOREPERSON: Guilty.

O7F3MENF

Verdict

1 THE COURT: Please be seated, Foreperson, and hand the
2 verdict sheet to my deputy.

3 THE DEPUTY CLERK: Ladies and gentlemen of the jury,
4 please listen to your verdict as it stands recorded.

5 United States of America v. Robert Menendez, Wael
6 Hana, and Fred Daibes. 23 Cr. 490.

7 As to Count One, conspiracy to commit bribery. You
8 find defendant Robert Menendez guilty. You find defendant Wael
9 Hana guilty. You find defendant Fred Daibes guilty. You found
10 that Fred Daibes was released on bond at the time of the
11 offense.

12 As to Count Two, conspiracy to commit honest services
13 wire fraud. You found the defendant Robert Menendez guilty.
14 You found the defendant Wael Hana guilty. You found the
15 defendant Fred Daibes guilty. You found that Fred Daibes was
16 released on an appearance bond at the time of the offense.

17 As to Count Three, conspiracy to commit extortion
18 under color of official right. You found defendant Robert
19 Menendez guilty.

20 As to Count Four, conspiracy to commit obstruction of
21 justice. As to Robert Menendez, you found the defendant
22 guilty. As to Fred Daibes, you found him guilty.

23 As to Count Five, bribery to benefit Wael Hana and
24 Egypt. You found defendant Robert Menendez guilty.

25 As to Count Six, bribery -- actions to benefit Wael

O7F3MENF

Verdict

1 Hana and Egypt. You found defendant Wael Hana guilty. You
2 found defendant Fred Daibes guilty. You found Fred Daibes
3 guilty of Count Six at the time of the offense released on
4 bond.

5 As to Count Seven, honest services wire fraud --
6 actions to benefit Wael Hana and Egypt. You found defendant
7 Robert Menendez guilty. You found defendant Wael Hana guilty.
8 You found defendant Fred Daibes guilty. You found Fred Daibes
9 guilty of Count Seven that he was released on an appearance
10 bond at the time of the offense.

11 As to Count Eight, extortion under color of official
12 right -- actions to benefit Wael Hana and Egypt. You found
13 defendant Robert Menendez guilty.

14 As to Count Nine, honest services wire fraud --
15 actions to benefit Jose Uribe and Uribe's associates. You
16 found defendant Robert Menendez guilty. You found defendant
17 Wael Hana guilty.

18 As to Count Ten, extortion under color of official
19 right -- actions to benefit Jose Uribe and Uribe's associates,
20 you found defendant Robert Menendez guilty.

21 As to Count Eleven, bribery -- actions to benefit Fred
22 Daibes and Qatar. You found defendant Robert Menendez guilty.

23 As to Count Twelve, bribery -- actions to benefit Fred
24 Daibes and Qatar. You found defendant Fred Daibes guilty. You
25 found Fred Daibes guilty that he was released on an appearance

O7F3MENF

Verdict

1 bond at the time of the offense.

2 As to Count Thirteen, honest services wire fraud --
3 actions to benefit Fred Daibes and Qatar. You found defendant
4 Robert Menendez guilty. You found defendant Fred Daibes
5 guilty. As to defendant Fred Daibes, you found that he was
6 released on an appearance bond at the time of the offense.

7 Count Fourteen, extortion under color of official
8 right -- actions to benefit Fred Daibes and Qatar. As to
9 Robert Menendez, you found the defendant guilty.

10 As to Count Fifteen, conspiracy for a public official
11 to act as a foreign agent. You found defendant Robert Menendez
12 guilty. You found defendant Wael Hana guilty.

13 As to Count Sixteen, public official acting as a
14 foreign agent. You found defendant Robert Menendez guilty.

15 As to Count Seventeen, conspiracy to commit
16 obstruction of justice. You found defendant Robert Menendez
17 guilty.

18 As to Count Eighteen, obstruction of justice. You
19 found defendant Robert Menendez guilty.

20 THE COURT: Deputy, please poll this jury.

21 THE DEPUTY CLERK: Juror No. 1, is that your verdict?

22 JUROR NO. 1: Yes, it is.

23 THE DEPUTY CLERK: Juror No. 2, is that your verdict?

24 JUROR NO. 2: Yes.

25 THE DEPUTY CLERK: Juror No. 3, is that your verdict?

O7F3MENF

Verdict

1 JUROR NO. 3: Yes.

2 THE DEPUTY CLERK: Juror No. 4, is that your verdict?

3 JUROR NO. 4: Yes.

4 THE DEPUTY CLERK: Juror No. 5, is that your verdict?

5 JUROR NO. 5: Yes.

6 THE DEPUTY CLERK: Juror No. 6, is that your verdict?

7 JUROR NO. 6: Yes.

8 THE DEPUTY CLERK: Juror No. 7, is that your verdict?

9 JUROR NO. 7: Yes.

10 THE DEPUTY CLERK: Juror No. 8, is that your verdict?

11 JUROR NO. 8: Yes.

12 THE DEPUTY CLERK: Juror No. 9, is that your verdict?

13 JUROR NO. 9: Yes.

14 THE DEPUTY CLERK: Juror No. 10, is that your verdict?

15 JUROR NO. 10: Yes.

16 THE DEPUTY CLERK: Juror No. 11, is that your verdict?

17 JUROR NO. 11: Yes.

18 THE DEPUTY CLERK: Juror No. 12, is that your verdict?

19 JUROR NO. 12: Yes.

20 THE DEPUTY CLERK: Jury polled, your Honor. Verdict

21 unanimous.

22 THE COURT: I'm handing you the verdict sheet and I'm
23 directing you to file and record the verdict.

24 Ladies and gentlemen of the jury, your duty now is
25 completed. You've been here every day the court has been open

O7F3MENF

1 since May 13. You've been extraordinary in fulfilling your
2 obligations. As I've said on more than one occasion, you were
3 here on time, you listened to the testimony, some of you took
4 notes. You, from my standpoint, observing you, you were
5 following the testimony assiduously, and I know you've taken
6 your obligations very seriously.

7 I appreciate your having been available and willing to
8 undertake jury duty. And it turned out to be an extensive
9 period of time, longer than I had projected. I think
10 originally we were talking about six to seven weeks, and it's
11 been nine weeks.

12 I very much appreciate your service, as I know my
13 staff does, and as I know all of the attorneys here do and the
14 parties as well. Again, everyone appreciates your service to
15 the court.

16 Ladies and gentlemen, you are discharged with the
17 appreciation of the Court, my staff, the attorneys, and the
18 parties. You are excused.

19 (Jury dismissed. Time noted 1:06 p.m.)

20 THE COURT: I'm setting the sentencing date at this
21 time as October 29, 2 p.m. for Mr. Hana, 2:45 p.m. for
22 Mr. Daibes, 3:30 p.m. for Mr. Menendez.

23 Are there any motions that the parties wish to make at
24 this time or any applications?

25 MR. RICHENTHAL: Your Honor, we have no proposed

O7F3MENF

1 change in bail conditions for Mr. Menendez and for Mr. Daibes.

2 With respect to Mr. Hana, we propose that the current
3 bond be additionally secured, and the parties had a chance to
4 confer and I can list out the additional security. That part
5 is on consent.

6 The part that isn't is Mr. Hana, as I think the Court
7 is aware, is currently released on GPS monitoring with a curfew
8 and with various places and times he's available to be outside
9 of his home.

10 At this time, in light of the jury's verdict, we move
11 that he be transferred from home detention with a curfew to
12 home incarceration, that is, not permitted to leave his
13 residence except for specified purposes and with prior consent
14 from pretrial services.

15 THE COURT: So the request of the government is to
16 change from home detention to home incarceration.

17 MR. RICHENTHAL: That is no more curfew, that's
18 correct. He must remain at home except for certain
19 circumstances, permitted to go to court, permitted to meet with
20 counsel, permitted to have necessary medical visits, and
21 effectively nothing else.

22 THE COURT: He's on GPS monitoring you say.
23 Mr. Richenthal, he has GPS monitoring?

24 MR. RICHENTHAL: He does, your Honor.

25 THE COURT: Mr. Lustberg.

O7F3MENF

1 MR. LUSTBERG: Thank you, your Honor. We oppose, we
2 did agree with the government with the posting of additional
3 security.

4 THE COURT: I haven't heard that. What's the
5 additional security?

6 MR. RICHENTHAL: The additional security on the
7 bond -- this part is on consent. I think there may be a
8 dispute about home incarceration.

9 The additional security would be, beyond the security
10 already, that Mr. Hana would post or provide to his attorney to
11 put in escrow approximately \$237,000 worth of 1-kilogram gold
12 bars. As well as all or substantially all of his watch
13 collection, specifically 12 Rolexes, one Chronoswiss, and one
14 Concord.

15 Specifically, your Honor, and this may be an easier
16 way to do it, it is the items listed in Government
17 Exhibit 3K-2. That's the additional security. There is
18 already substantial security on the bond.

19 THE COURT: Let me hear from Mr. Lustberg.

20 MR. LUSTBERG: Thank you, your Honor. So with respect
21 to that additional security, we discussed it with the
22 government and do not oppose that aspect of the application.

23 I should note, your Honor, just to remind the Court,
24 Mr. Hana was, when this matter was first indicted, Mr. Hana was
25 in Egypt. He voluntarily, as it were, came to the United

O7F3MENF

1 States to face these charges.

2 Since that time, he's been, as the Court noted, under
3 a house arrest type situation with GPS monitoring subject to
4 various curfews. He has consistently --

5 THE COURT: What is the curfew imposed?

6 MR. LUSTBERG: The current curfew I believe is from 8
7 in the morning until 9 in the evening. It was originally 8 to
8 8 and on application this Court allowed him to stay out an
9 additional hour until 9. And that was also subject to being
10 relaxed at the discretion --

11 THE COURT: So the curfew is the reverse, that is
12 9 p.m. to 8 a.m.

13 MR. LUSTBERG: No. I'm sorry, correct.

14 THE COURT: Go ahead.

15 MR. LUSTBERG: He has been in absolute 100 percent
16 perfect compliance with those conditions of release. As the
17 Court is very well aware, he's appeared every single day for
18 trial.

19 THE COURT: This is what I'm going to do. He's under
20 GPS monitoring. I take it, Mr. Lustberg, either you or
21 pretrial services have his passports and travel documents?

22 MR. LUSTBERG: Pretrial services has those, your
23 Honor.

24 THE COURT: For both Egypt and the United States? I
25 think he's a citizen of both.

O7F3MENF

1 MR. LUSTBERG: He does not actually have travel
2 documents for Egypt. And so there are none anywhere. But,
3 yes, his U.S. travel documents are in the possession of
4 pretrial services.

5 THE COURT: I'm going to impose all of the conditions
6 that have been imposed up to now. We'll keep the curfew at
7 9 p.m. to 8 a.m. I'm going to keep it at home detention with
8 the increased security to be those items in Government
9 Exhibit 3K-2 to be posted within 72 hours of today. Otherwise
10 it's home detention. I think that's appropriate.

11 Anything else?

12 MR. RICHENTHAL: Can I ask the Court to consider one
13 modification to the curfew?

14 THE COURT: Go ahead.

15 MR. RICHENTHAL: Right now as I understand it, it is
16 seven days a week. It is substantially more difficult to
17 enforce a curfew on a weekend, just given personnel issues.

18 Would the Court consider having home incarceration
19 over the weekend?

20 THE COURT: I think that makes sense. I've had that
21 issue before with the monitoring personnel.

22 Mr. Lustberg, that's my inclination. In other words,
23 have him stay at home on the weekends.

24 MR. LUSTBERG: Other than the specified reasons, such
25 as, for example, if he has to -- and I would ask for one other

O7F3MENF

1 one -- he be permitted to attend any religious observations on
2 weekends, which I think is typically --

3 THE COURT: That's fair. But I want it to be clear.
4 On weekends, it's going to be home incarceration. With the
5 terms of home incarceration, there are exceptions even within
6 home incarceration. So whatever those exceptions are. I
7 certainly think they include religious observations.

8 MR. LUSTBERG: Thank you.

9 THE COURT: So again, just to be clear, home detention
10 except on weekends where it will be home incarceration. During
11 the weekday, the curfew is 9 p.m. to 8 a.m. and throughout he's
12 to be on GPS monitoring. And the increase in security is those
13 physical items set forth in Government Exhibit 3K-2.

14 Anything else?

15 MR. RICHENTHAL: No, your Honor.

16 MR. FEE: Your Honor, we're going to reserve under
17 Rules 29 and 33. We'll make post-verdict filings in writing in
18 the time period set forth in the rules.

19 THE COURT: Set forth in the rules?

20 MR. FEE: Yes.

21 THE COURT: Fine. I understand that.

22 MR. LUSTBERG: I was going to request, given the
23 length of the trial, the complication of the record, the rules
24 require filings under Rule 29 and 33 within 14 days. I was
25 going to request we be --

O7F3MENF

1 THE COURT: Is there any objection to extending it for
2 30 days, that is until August 19?

3 Any objection?

4 MR. RICHENTHAL: No, your Honor.

5 THE COURT: But I want to be clear about this. The
6 14-day limit for post-judgment motions is extended until
7 August 19.

8 Anything else?

9 MR. RICHENTHAL: Not from the government.

10 THE COURT: Thank you. I thank everybody. It was
11 very well tried. I know all of the parties, all of the
12 attorneys devoted a great deal of time and effort to this.
13 From the standpoint of the Court, it was a well-tried case all
14 around. Thank you.

15 (Adjourned)

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